

Dianne Barker  
3219 E. Camelback Rd, #393  
Phoenix , AZ 85018

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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Dianne Barker, Plaintiff	)	No. C11-1543- PHX-NVW
	)	
	)	<b>NOTICE OF APPEAL</b>
vs.	)	
	)	
City of Phoenix et al	)	
Defendants	)	
_____	)	

Notice is hereby given that Dianne Barker, plaintiff in above case appeals to **US COURT OF APPEALS FOR THE 9<sup>TH</sup> CIRCUIT** from the final judgment of order, NVW/KMG, entered 29<sup>th</sup> day of December 2011.

Respectfully Submitted & Signed:

Dianne Barker  
Dianne Barker, informa pauperis

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Dianne Barker,

Plaintiff,

vs.

City of Phoenix et al.,

Defendants.

No. CV11-1543-PHX-NVW

**ORDER**

Before the Court is Defendant City of Phoenix's Motion to Dismiss Amended Complaint (Doc. 16). The time to file a response has expired, and no response has been filed. The Motion will be considered and granted on its merits.

The Amended Complaint in no way cures the defects for which the original complaint was dismissed (Doc. 8). Indeed, the Amended Complaint remains mostly unintelligible, except that there was an automobile accident in the City of Phoenix. It does not state a claim against the City of Phoenix or any other Defendant. It does not come close to meeting the pleading requirements of Fed. R. Civ. P. 8 and 10.

Since Plaintiff has previously been given an opportunity to cure the complaint by amendment and has not cured the deficiencies, the Amended Complaint will be dismissed without leave for further amendment. The deficiencies plainly apply to the claims against all Defendants, not just the City of Phoenix.

IT IS THEREFORE ORDERED that Defendant City of Phoenix's Motion to Dismiss Amended Complaint (Doc. 16) is granted.

IT IS FURTHER ORDERED that this action is dismissed for failure to state a claim as against all Defendants.

IT IS FURTHER ORDERED that the Clerk enter judgment dismissing this action for failure to state a claim upon which relief can be granted. The Clerk shall terminate this action.

Dated: December 28, 2011.



Neil V. Wake  
United States District Judge